

Decision 04-03-017 March 16, 2004

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Atul Misra of Allroute Express for authority to operate as a passenger stage corporation between points in Alameda County, Santa Clara County, San Mateo County, Oakland International Airport, San Francisco Airport and San Jose International Airport.

Application 03-08-006  
(Filed August 6, 2003)

**O P I N I O N**

**Summary**

This decision grants the application of Atul Misra (Applicant), an individual, pursuant to Public Utilities (Pub. Util.) Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Public Utilities Code § 226

**Discussion**

Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between certain cities in Alameda, Santa Clara, and San Mateo Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand. Applicant states he has the knowledge and financial ability to initiate and operate the proposed service. He has three years of work experience in the airport shuttle field. Applicant currently owns one seven-passenger van.

Attached to the application as Exhibit E is an unaudited balance sheet as of July 2003 that discloses assets of \$45,600, liabilities of \$1,500, and net worth of

\$44,100. Applicant's proposed fares, as set forth in Exhibit C of the application, range between \$12 (Millbrae - SFO) and \$69 (Gilroy – OAK).

Notice of filing of the application appeared in the Commission's Daily Calendar on August 12, 2003. Applicant served a notice of the application upon the involved cities and airports and the affected transit agencies in the service area.

In Resolution ALJ 176-3117 dated August 21, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3117.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between certain cities in Alameda, Santa Clara, and San Mateo Counties, on the one hand, and SFO, OAK, and SJC, on the other hand.
2. No protest to the application has been filed.
3. A public hearing is not necessary.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

### **O R D E R**

#### **IT IS ORDERED** that:

1. A certificate of public convenience and necessity (CPCN) is granted to Atul Misra (Applicant), an individual, authorizing him to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-16729, subject to the conditions contained in the following paragraphs.
2. Applicant shall:
  - a. File a written acceptance of this certificate within 30 days after this order is effective.
  - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
  - c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
  - d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.

- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that his evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The CPCN to operate as PSC-16729, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated March 16, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-16729

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

Atul Misra, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between points and places as described in Section II, over and along the route described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- B. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- C. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- D. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.



SECTION II. SERVICE AREA.

- A. Cities in Alameda County  
Alameda, Berkeley, Fremont, Livermore, Oakland  
Pleasanton, and Union City.

Cities in San Mateo County  
Atherton, Belmont, Burlingame, Menlo Park,  
Millbrae, Portola Valley, Redwood City,  
San Bruno, and San Mateo.

Cities in Santa Clara County  
Cupertino, Gilroy, Los Altos, Mountain View,  
Palo Alto, San Jose, and Santa Clara.

- B. Airports  
San Francisco International Airport.  
Oakland International Airport.  
San Jose International Airport.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to any airport described in Section IIB.